

September 19, 2007

**TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

The LAND CONSERVATION SUB COMMITTEE met in regular session on August 27, 2007, and recommends the following motions.

1. Variance request from Howard Schultz for construction of animal waste storage facility closer than 250 feet to property line. Approve as amended the 50-feet.
2. Request for Budget Transfer (#07-55): Increase in Expenditures with Offsetting Increase in Revenue: Grant from Wisconsin Coastal Management Program (\$21,000 (\$11,000 in 2007, \$10,000 in 2008). Approve.
3. Budget Status Financial Report for June 30, 2007. Receive & place on file.
4. Director's report. No action.

Approved by:

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COUNTY EXECUTIVE

Date

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Revised

**PROCEEDINGS OF THE BROWN COUNTY  
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, August 27, 2007 at 6:15 p.m. in Room 161, UW-Extension, 1150 Bellevue Street, Green Bay, Wisconsin



**Present:** Bernie Erickson, Norb Dantinne, Mike Fleck, Dave Kaster,  
Norb VandeHei, John VanderLeest

**Also Present:** Bill Hafs, Dave Wetenkamp, Howard Schultz

**1. CALL MEETING TO ORDER:**

The meeting was called to order by Chairman Dantinne at 6:15 p.m.

**2. APPROVE/MODIFY AGENDA:**

**A MOTION WAS MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

**3. APPROVE/MODIFY MINUTES OF LAND CONVERSATION SUBCOMMITTEE OF JULY 23, 2007.**

**A MOTION WAS MADE BY SUPERVISOR KASTER AND SECONDED BY SUPERVISOR FLECK TO APPROVE. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

**4. VARIANCE REQUEST FROM HOWARD SCHULTZ FOR CONSTRUCTION OF ANIMAL WASTE STORAGE FACILITY CLOSER THAN 250 FEET TO PROPERTY LINE (MAP ATTACHED).**

Land Conservation Technician Dave Wetenkamp spoke on behalf of property owners Harvey Guse and Howard Schultz. Wetenkamp distributed a Notice of Intent (attached) drafted by Guse approving the storage facility to be placed within 50-feet of his property line and a map (attached) showing existing barns and the proposed manure storage facility before the 50-foot agreement was made.

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR KASTER TO SUSPEND THE RULES TO ALLOW INTERESTED PARTIES TO SPEAK. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

Supervisor Erickson asked property owner Schultz if the 50-foot setback would be acceptable, Schultz agreed.

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR KASTER TO RETURN TO REGULAR ORDER OF BUSINESS.**

**VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

**A MOTION WAS MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE AS AMENDED THE 50-FEET. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

5. **REQUEST FOR BUDGET TRANSFER (#07-55): INCREASE IN EXPENDITURES WITH OFFSETTING INCREASE IN REVENUE: GRANT FROM WISCONSIN COASTAL MANAGEMENT PROGRAM (\$21,000 (\$11,000 IN 2007, \$10,000 IN 2008).**

County Conservationist Bill Hafs stated that Brown County acquired this grant from Wisconsin Coastal Management Program. The grant would be used to develop a Geographic Information System (GIS) mapping all the wetland restoration projects that have been done in Brown County.

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR KASTER TO APPROVE. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

6. **BUDGET STATUS FINANCIAL REPORT FOR JUNE 30, 2007.**

A handout was distributed (attached) showing the expenditures and the revenues of how much was budgeted and how much was remaining.

**A MOTION WAS MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR ERICKSON TO RECEIVE AND PLACE ON FILE. VOTE TAKEN. MOTION CARRIED UNANIMOUSLY.**

7. **DIRECTOR'S REPORT.**

Hafs provided an article from the Green Bay Press Gazette (attached) re: ENCAP and suggested the committee take a tour of the compost facility in September. ENCAP could possibly take composted waste and turn it into a fertilizer. After meeting with Carl Kuehne from American Foods Group, Kuehne would support a compost facility but would like Brown County to have a role.

After attending the Legislative Sub-Committee regarding the resolution supporting the Northeast Wisconsin Regional Karst Task Force Report, it was referred back to staff to analyze the cost of what it would cost Brown County. Hafs will check with the costs for Calumet County and report back.

Handout distributed (attached) re: 2007 Fee For State Agriculture Nonpoint Performance Standard.

Handouts distributed (attached) re: Land Spreading of Waste meeting taking place September 11, 2007 at the UW Ext building and a Quick Facts sheet.

8. **SUCH OTHER MATTERS AS AUTHORIZED BY LAW. NONE.**

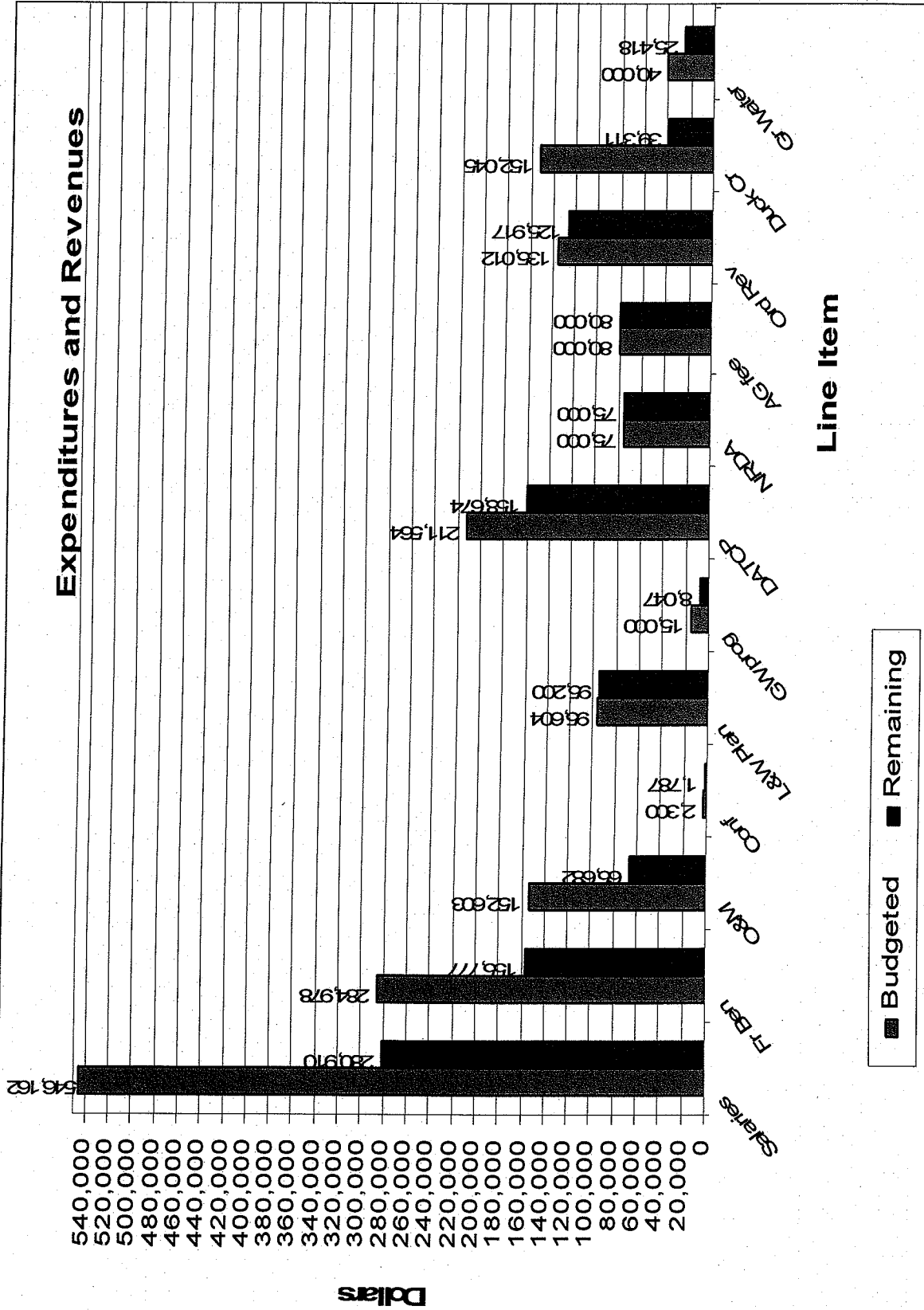
**MOTION MADE BY SUPERVISOR VANDER LEEST AND SECONDED  
BY SUPERVISOR ERICKSON TO ADJOURN AT 6:35 P.M. MOTION  
APPROVED UNANIMOUSLY.**

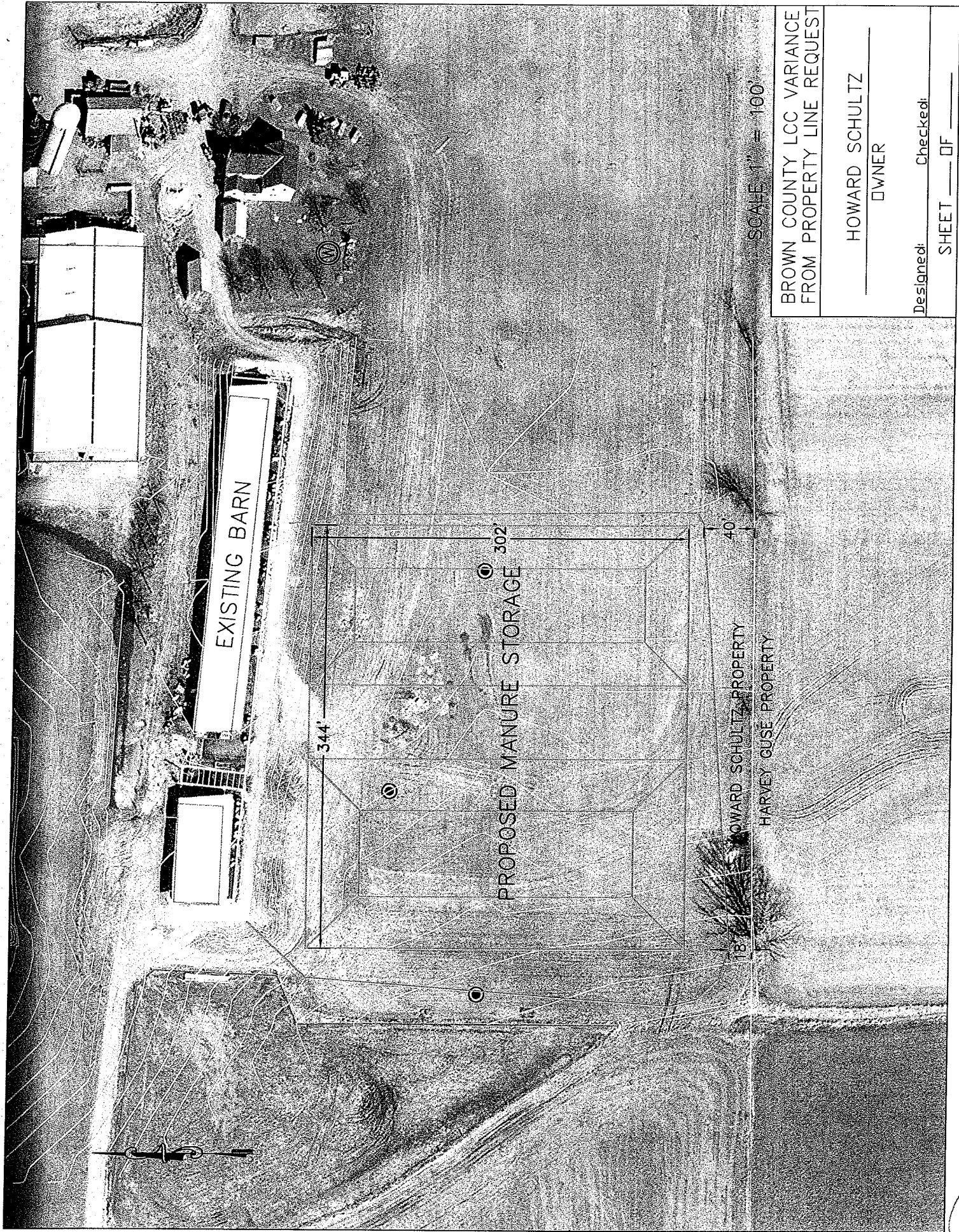
Alicia A. Loehlein  
Recording Secretary

# Land Conservation Monthly Budget Status - As of June 30, 2007

	Salaries	Fr Ben	O&M	Travel & Conf	L&W Plan	GW program	Revenue Staff	PIKE	AG fee	Ord. Rev	Duck Creek	Ground Water
Budgeted	546,162	284,978	152,603	2,300	95,604	15,000	211,564	75,000	80,000	135,012	152,045	40,000
Remaining	280,910	155,777	65,682	1,787	95,200	8,047	158,674	75,000	80,000	125,917	39,311	25,418

## Expenditures and Revenues





SCALE 1" = 100'

BROWN COUNTY LCC VARIANCE  
FROM PROPERTY LINE REQUEST

HOWARD SCHULTZ  
OWNER

Designed: \_\_\_\_\_ Checked: \_\_\_\_\_

SHEET \_\_\_\_ OF \_\_\_\_

## Notice of Intent

This letter was drafted in order to provide you with information about an animal waste storage facility being planned near your property under authority of Chapter 26 of the Brown County Administrative Code.

I (HARVEY GUSE), am aware of the manure storage facility  
NEIGHBOR'S NAME(S) PRINTED

being planned for the Schultz Farm. I am also aware of the Brown County Land Conservation Subcommittee meeting being held August 27<sup>th</sup>, 2007 at 6:00 p.m. at the Brown County Ag & Extension Bldg., for a request for a variance to the Brown County Animal Waste Management Ordinance. The ordinance requires a 250-foot setback of a manure storage facility from an adjacent property owner. At this time I have/have no comments or objections with the placing of a manure storage facility for the Schultz Farm within ~~20~~ feet of my property line.

50

Harvey Guse date: 8-27-07  
NEIGHBOR'S SIGNATURE

\_\_\_\_\_  
NEIGHBOR'S SIGNATURE date: \_\_\_\_\_

Harvey Guse date: 8-27-07  
OWNER SIGNATURE

Enclosed for your information is an aerial view of Schultz Farm with the location of the planned facility and a copy of Brown County's Animal Waste Ordinance. Please review and circle the above italicized statement, which fits your position on the location of the manure storage facility and send back to Brown County Land Conservation Department with the enclosed stamped envelope. Please attend the meeting to voice your concerns if any.

Thank-you

### SECTION 202.00 - 27 TO 30 PERCENT SLOPES

## ENCAP recognized as one of top 500 growing private companies

Town of Scott business offers retail, landscape, commercial products

By Nathan Phelps

*nphelps@greenbaypressgazette.com*

A town of Scott company that turns recycled office paper into a product aimed at reducing erosion and establishing seed and fertilizer was named to Inc. Magazine's list of the "500 Fastest Growing Privately Held Companies in America" Thursday.

ENCAP has come on the market offering products for retail, landscape and commercial markets using its Advanced Soil Technology, a granular product designed to hold fertilizers in place, get seeds established and fight erosion. ENCAP was co-founded in 1999 by company president and chief executive officer Michael Krysiak and FEECO International.

"Our challenge as we continue to move forward is to take what we are having success in and continuing to advance while developing and advancing new technologies," said Krysiak, an Ashwaubenon native. "When you're dealing with primarily environmentally-based issues ... it's rewarding to know that as problems arise, whether it's fertilizer runoff or forest fires, we've got an answer. "I'm not saying it's the only answer, but we have an answer to help out," he said. From 2003 to 2006, the company experienced a growth of 1,490 percent, landing it on the list at No. 110. The list ranks privately held companies according to year-over-year sales growth from 2003 to 2006. ENCAP's products — including a Grass Repair Kit, New Lawn Kit and Fast Acting Lime — can be found in places like Home Depot, Wal-Mart, Lowe's, Kmart and Menard's. They also make products for use by landscapers, the department of transportation, the golf industry and the U.S. Forest Service, which has used the product for fire restoration. "The retail segment nationally has been our first area of growth," Krysiak said. "We've got some other technologies related to different market segments that we're also bringing forward. "It's creating that balance ... between those different market segments that will really give us our ultimate growth potential," he said. Krysiak gives credit to his employees and partner companies, like FEECO, and early accounts, like Steins Garden Centers, for giving the firm a chance to thrive.

"The start-up years have been very challenging," he said. "Despite the bumpy road in the beginning, we're further along in advancing our breadth of technologies than we would have expected." Krysiak said they continue to look at areas for new innovation and are working to move their existing products forward. One area they have ventured into and are close to wrapping up product development is what they call Movement Control Technology, designed to limit the amount of run off of fertilizers in different arenas — including agriculture.

"Runoff of phosphorus and nitrates are what's driving a lot of that manure issue," he said. "We've got a technology we call Movement Control Technology that is all about being able to address the movements of the nutrients in fertilizers, whether they are organic or inorganic." In essence, this technology is aimed at holding nutrients from fertilizers in place and reducing the amount of run-off and leaching of the product. It's aimed at both the ag industry and the home user.

"Our belief is we have an industry-changing product that will allow this control element to be added," Krysiak said. "If you control the movement of the phosphorous, in many cases you don't need to limit the application. "This is not just a Wisconsin or a Green Bay issue, it's a global issue," he said. Recently, ENCAP partnered with Soil Net and FEECO to develop new technologies and processes for handling sugar cane by-products in Colombia, Brazil, and around the world, according to a company release. In the near future, ENCAP facilities will be located in Colombia and other parts of the world. The inclusion on the Inc. Magazine list is one more step in ENCAP's growth.

"This is a recognition of everyone we have here," Krysiak said. "We have a good, innovative group — and that relates to the employees and the partners we have — and collectively it's marking our starting point in what we have in front of us as it relates to opportunity."



Josh Hermann, productivity leader, moves bags of lawn-seeding kits from the bagger to a pallet Thursday at ENCAP. Jim Matthews/Press-Gazette



ENCAP President and Chief Executive Officer Michael Krysiak, left, and FEECO International President Dan Madigan stand Thursday inside the main production area at ENCAP. Jim Matthews/Press-Gazette

## ENCAP

- Founded in 1999, town of Scott-based ENCAP produces value-added products for the retail, landscaping, golf, sports, lawn care, and forest fire restoration markets. The mulch-based product line offers solutions to help repair bare spots, establish new turf, control erosion, and condition the soil. The entire line features the Advanced Soil Technology, a patented technology that releases water-soluble PAM into the soil.
- The firm is located at 3921 Algoma Road, town of Scott, and can be reached at (920) 406-5050 or via e-mail at [info@encap.com](mailto:info@encap.com). The can be found on-line at [www.encap.com](http://www.encap.com). Source: ENCAP

## Inc. 500

The 2007 Inc. 500, as revealed in the September issue of Inc. magazine (on newsstands Aug. 28 – Oct. 2), include ENCAP, a Scott-based business that came in at 110 on the list of fastest-growing privately held companies. Seven Wisconsin firms are in the top 500. The full list can be found on-line at: [www.inc.com](http://www.inc.com)

## LAND CONSERVATION

# Brown County

Agriculture and Extension Service Center  
1150 Bellevue Street  
Green Bay, WI 54302  
Phone: (920) 391-4620 Fax: (920) 391-4617  
[www.co.brown.wi.us/land\\_conservation/](http://www.co.brown.wi.us/land_conservation/)



August 24, 2007

To:

Brown County Animal Waste Storage Facility permit holders  
Brown County landowners with nutrient management plans (590)  
Private agronomists  
Waste generators  
Waste haulers  
Animal waste haulers

### MEETING NOTICE

#### LAND SPREADING OF WASTES

September 11, 2007 9:00 am – Noon

Agriculture and Extension Service Center Donovan Hall

Land Conservation Department Staff are conducting an informational meeting for all Animal Waste Storage Facility Permit holders, Brown County Landowners with Nutrient management plans (590), Private agronomists, Waste Generators, and Waste Haulers.

The purpose of the meeting is to provide information regarding:

- State Nutrient management (590) requirements.
- Brown County Animal Waste Management Ordinance Requirements. Storage and 590.
- Winter spreading plan requirements in Brown County

Information provided at meeting can also be found at the Land Conservation Department web site: [www.co.brown.wi.us/land\\_conservation/](http://www.co.brown.wi.us/land_conservation/)

Cc: Town Chairman, DNR

## **Agenda**

- |                |   |
|----------------|---|
| 9:00 – 9:15 am | Review maps pick up handouts  |
| 9:15 -9:30     | Review of handouts <ul style="list-style-type: none"><li>• State administrative code language (nutrient management 590)</li><li>• 313 standard (animal waste storage) language</li><li>• Brown County Ordinance language (storage, winter spreading plans, nutrient management)</li></ul> |
| 9:30– 10:00    | Nutrient management 590 <ul style="list-style-type: none"><li>• Deadlines/approval process</li><li>• Industrial waste, municipal waste , septic waste requirements</li></ul>  |
| 10:00-10:30    | Winter spreading plan requirements <ul style="list-style-type: none"><li>• Towns</li><li>• Deadlines/ approvals</li></ul>   |
| 10:30 -11:00   | Animal waste storage facility requirements <ul style="list-style-type: none"><li>• Brown County Ordinance Requirements</li><li>• 313 standard (language)</li></ul>  |
| 11:00 -12:00   | Questions   |

# **Quick Facts: Nutrient management plans - Other Waste - Winter spreading plans – Brown County Ordinance requirements**

**Nutrient Management plans.** NR 151.07 of the state administrative code requires a nutrient management plan (NRCS Standard 590) from all that apply manure or other nutrients to agriculture fields by January 1, 2008. Failure to obtain nutrient management plan can lead to penalties and loss of farmland preservation credits. Chapter 26 of Brown County Code requires Nutrient management plans submitted to the Brown County Land Conservation Department annually by June 1.

**Other Waste.** Land owners should be aware that future application of animal waste or commercial fertilizer to sites that receive municipal wastes (NR204), industrial wastes (NR214), or septage wastes (NR113) may be limited to maintain compliance with phosphorus or nitrogen limitations in their nutrient management plan. (Language from March 10, 2004 DNR memo)

**Winter Spreading plans** Winter spreading of animal waste has caused groundwater and surface water problems in Brown County. If you spread animal waste on cropland between December 1 and April 1 you must obtain a winter spreading plan from the Brown County Land Conservation Department. The winter spreading plan will determine your winter storage or stacking needs and identify where waste may be applied.

## **Chapter 26 Brown County Animal Waste Management Ordinance**

### **Winter Spreading Plan Requirements.**

Each application for a permit under this section shall include a Winter Spreading Plan. The plan shall specify:

- (a) The lowest risk fields for the application of winter spread manure based on slope, length of slope, soils, and depth to bedrock.
- (b) Specify rates of application and applicable setbacks from the nearest surface waters and/or direct conduit to groundwater as determined by Brown County Land Conservation Department.
- (c) The plan must include a description of the emergency response procedures that will be engaged immediately in the event of direct runoff related to the spreading of animal waste.
- (d) Only maps prepared by Brown County Land Conservation Department, using GIS technology, may be used to identify appropriate fields for animal waste applications.
- (e) For the purpose of this practice winter spreading plans shall take effect no later than December 1st prior to the winter for which the plan is developed and continue through the following March 31st unless animal waste can be effectively incorporated.
- (f) The landowner shall maintain an accurate record of the date, location, and rate of application for every application of manure on the land that is subject to the winter spreading permit. The record shall be made available to the Brown County Land Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

### **Transitional Provision.**

Applicators/landowners of animal waste required to have a permit under s.26.10(d) in the Towns of Green Bay, Scott and Morrison shall notify the Brown County Land Conservation Department by December 1, 2006 of their intent to comply. BCLCD shall work with the applicator/landowner to develop winter spreading plans in priority order based on the potential for off-site impacts. An applicator/landowner is considered to be in compliance for the 2006-2007 winter season provided they have contacted the department prior to December 1, 2006 and cooperates with the department in the development of the winter spreading plan.

Applicators/landowners required to have a permit under s.26.10 in the Towns of Glenmore, Holland, Humboldt and Wrightstown shall be required to obtain a winter spreading permit prior to December 1, 2007.

Applicators/landowners in all other areas of the county will be required to obtain a winter spreading permit prior to December 1, 2008.

**Temporary Unconfined Manure Stacking Requirements.** Each application for a permit under this section shall include plan specifications identified in Standard 313, USDA-NRCS Technical Guide.

**Brown County Animal Waste Management Ordinance Chapter 26 NRCS Standard 313 Waste Storage (NRCS WI 12/05)** This standard does not apply to: facilities in which greater than 10% of the design storage volume or greater than 25,000 gallons is occupied by any combination of domestic waste, industrial wastewater generated offsite, or sludge.

## 2007 FEE FOR STATE AGRICULTURE NONPOINT PERFORMANCE STANDARDS.

State agricultural nonpoint performance standards (NR151) are required on all agriculture land. The Brown County Budget for 2007 includes a \$.50 per agriculture acre fee to partially offset costs incurred by the Land Conservation Department ([www.co.brown.wi.us/land\\_conservation](http://www.co.brown.wi.us/land_conservation)) to administer this state mandated program (ATCP50.10).

NR 151.07 of the state administrative code requires a nutrient management plan (NRCS Standard 590) from all that apply manure or other nutrients to agriculture fields by January 1, 2008. Land owners should be aware that future application of animal waste or commercial fertilizer to sites that receive municipal wastes (NR204), industrial wastes (NR214), or septage wastes (NR113) may be limited to maintain compliance with phosphorus or nitrogen limitations in their nutrient management plan. Failure to obtain nutrient management plan can lead to penalties and loss of farmland preservation credits.

Winter spreading of animal waste has caused groundwater and surface water problems in Brown County. If you spread animal waste on cropland between December 1 and April 1 you must obtain a winter spreading plan from the Brown County Land Conservation Department. The winter spreading plan will determine your winter storage or stacking needs and identify where waste may be applied.

Landowners with unused or improperly abandoned wells should contact the Land Conservation Department for technical assistance and cost share. The \$.50 per acre fee is not being used to properly abandon wells.

Bill No: \_\_\_\_\_ Owner: \_\_\_\_\_ Acres \_\_\_\_\_

Fee Due (\$.50/ag acre):

\* Unpaid fees are referred to Corporation Counsel\*  
**KEEP THIS COPY FOR YOUR RECORDS**

## 2007 FEE FOR STATE AGRICULTURE NONPOINT PERFORMANCE STANDARDS.

Fee due by OCTOBER 15, 2007. Payable to:

Brown County Land Conservation Department

1150 Bellevue Street, Green Bay, Wisconsin 54302 Phone 920-391-4620

[www.co.brown.wi.us/land\\_conservation](http://www.co.brown.wi.us/land_conservation)

Bill No: \_\_\_\_\_

Acres \_\_\_\_\_

The owner of land assessed Agriculture is required to pay this fee.

Fee Due (\$.50/ag acre):

For the following agriculture parcels:

Owner: \_\_\_\_\_

**\*\*RETURN THIS STUB WITH YOUR PAYMENT BY CHECK OR MONEY ORDER\*\***

Brown County Land Conservation Department

1150 Bellevue Street

Green Bay, WI 54302

### IMPORTANT FEE NOTICE

**ADDRESS OF LANDOWNER**

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